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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,149	08/25/2003	Denver L. Stanford SR.	DLL1130	1306
7590	10/20/2004		EXAMINER	
Sean A. Kaufhold P.O. Box 131447 Carlsbad, CA 92013			SLACK, NAOKO N	
		ART UNIT	PAPER NUMBER	
		3635		

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/647,149 Naoko Slack	STANFORD, DENVER L. Art Unit 3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10 is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/25/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed August 25, 2003 has been considered. A signed copy is attached with this Office Action.

Drawings

The drawings are objected to because a feature in Figure 1 has not been explained by the specification. Specifically, on the left side of Figure 1, there appears to be a layer peeled away from the insulation layer.

Additionally, the pages of the drawings have not been numbered. Drawings should be numbered in consecutive Arabic numerals, starting with the number 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures.

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Claim 6 states that the door covering and insulator device further includes a pair of end walls that are "pivotally coupled" to one of the lower edges; however, pivotally coupled end walls have not been disclosed in the specification.

Appropriate correction is required.

Claim Rejections – 35 USC 102(b)

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4 are rejected under 35 USC 102(b) as being clearly anticipated by US Patent 4,495978 to Carroll.

Claim 1:

Carroll discloses a covering and insulator device to cover building openings (application to doors stated in column 1, lines 22-25), said device comprising: a pair of panels (22, Figure 1) such that a first panel and a second panel are defined. The panels are sized to cover the protected door or window, each of said first and second panels having an inner surface, an outer surface, an upper edge and a lower edge, each of said first and second panels being selectively positioned atop the door or window such that said upper and lower edges of said first and second panels are aligned, an inner edge and an outer edge being defined with respect to said first and second panels when said first and second panels are positioned on the doors, each of said panels comprising an insulating material (38, Figure 3); and a securing member (26, Figure 1) being adapted for selectively attaching said first and second panels together along said inner edges.

Claim 2:

The securing member (26, Figure 1) includes a flap being attached to said outer surface of said first panel and being positioned adjacent to and extending along said inner edge of said first panel, said flap extending outwardly away from said inner edge of said first panel, said flap being extendable over said inner edge of said second panel (as best illustrated in Figure 1).

Claim 4:

The door covering and insulator device further includes a pair of side coverings (11, Figure 1), each of said side coverings having a size and shape for selectively positioning over and covering one of the side walls of the frame (16, Figure 4), each of

said side coverings including a top edge, a bottom edge, an inner surface, an outer surface, and a rear edge, each of said side coverings being hingedly coupled to one of said first and second panels by hinge members, each of said side coverings comprising an insulating material (38, Figure 4).

Claim Rejections – 35 USC 103(a)

The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over US Patent 4,495,978 to Carroll.

Claim 3:

While Carroll does not specify that the securing member comprises a hook and loop securing, Carroll states that the securing means 26 may be any known latch apparatus (column 3, lines 37-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a well known securing means such as hook and loop to connect Carroll's adjacent panels, as the hook and loop permits separation of the panels.

Allowable Subject Matter

Claim 10 is allowed.

Claims 5-9 are drawn to allowable subject matter and would be allowable if rewritten in independent form, including limitations of the independent claim from which it depends and any intervening claims.

References Cited of Interest

The following references are cited of interest:

US Patent 4,272,934 to Cowden et al. discloses a thermally insulating panel applied to windows. US Patent 4,344,505 to Waters et al. discloses an insulation cap for disappearing stairwells.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl D. Friedman can be reached at (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703) 872-9327 for After Final communications.

Art Unit: 3635

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Naoko Slack
Primary Examiner

NS

October 17, 2004